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In re Application of	:	
HOREA BACILA, ET AL.	:	DECISION ON
Application No.: 09/926,751	:	
PCT No.: PCT/RO00/00008	:	RENEWED PETITION
Int. Filing Date: 13 April 2000	:	
Priority Date: NA	:	UNDER 37 CFR 1.47(a)
Attorney's Docket No. 215530US2PCT	:	
For: APPARATUS AND A METHOD FOR	:	
SUPPLYING INFORMATION	:	

This is in response to the "REQUEST FOR RECONSIDERATION AND RENEWED PETITION UNDER 37 CFR §1.47(a)" filed on 04 November 2002.

### **BACKGROUND**

In a decision from this Office on 04 September 2002, the petition was dismissed. The decision stated that Mr. Riches' averments were insufficient to show diligent effort to locate inventors Boboc, Ban and Spatar because the registered mailings by themselves were not considered "diligent effort" by petitioners. In addition, Mr. Riches did not show that he searched for the above non-signing inventors' new addresses either by the internet or by telephone directories, which would show in combination with the registered mailing diligent effort by petitioners to locate non-signing inventors Boboc, Ban, and Spatar.

On 04 November 2002, petitioners filed the present renewed petition.

### **DISCUSSION**

Mr Maier's arguments are insufficient to show diligent effort to locate non-signing inventors Boboc, Ban and Spatar because no new evidence has been provided to show diligent effort to locate the non-signing inventors. Although Mr. Maier's remarks on ¶ 4 alleges that "[p]etitioners have resent registered letters to the last known addresses of the missing inventors and are having telephone directory and internet searches conducted and will report the results of these efforts as soon as they are completed in order to demonstrate Petitioners diligence ...", petitioners have not provided evidence of this effort with this renewed petition. For example, petitioners have not submitted copies of documentary evidence such as a copy of the returned envelope, a certified mail return receipt of the subsequent mailings. In addition, no copies of a

search for a new address either by the internet or by telephone directory for the non-signing inventors has been provided to show a diligent effort to locate the non-signing inventors.

With respect to Mr. Maier's arguments about the registered letter mailings to non-signing inventor Boboc, the mailing of the first registered letter on 8 August 2000 and the second mailing on 10 August 2000 to the same address is not considered diligent effort to locate inventor Boboc because the second mailing was done just two days after the first mailing and no diligent effort was done to determine if the nonsigning still lived in that address or had moved to another place.

Moreover, even though petitioners did not mail a complete copy to the non-signing inventors' last address, respectively, this is not necessary if petitioners had meet the requirements that the non-signing inventors were not located after diligent effort as stipulated under 37 CFR 1.47(a).

Consequently, at this time, again, it can not be concluded that the nonsigning inventors Boboc, Ban, and Spatar could not be found after diligent effort for the reasons stated above.

### **DECISION**

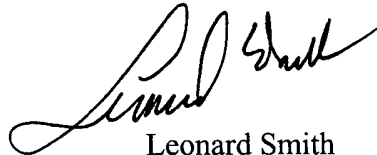
The renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Commissioner for Patents, Office of PCT Legal Administration, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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